

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EDWIN C. MARTIN, JR., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:05CV1857 AGF
)	
JAMES P. HOLLORAN, et al.,)	
)	
Defendants.)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT ON MULTIPLE GROUNDS

1. Defendant, by and through its attorneys of record, hereby moves for summary judgment on Plaintiff’s remaining breach of written contract claim based on the following separate grounds:

- (a) Plaintiff’s action is barred by the statute of limitations;
- (b) Plaintiff’s action relating to fees generated in the Harashe case is barred by the statute of limitations;
- (c) Plaintiff failed to comply with the California Rules of Professional Conduct governing lawyers, and thus, the alleged agreement is unenforceable;
- (d) Plaintiff has not put forth written retainer agreements for certain alleged clients, and Plaintiff has previously received fees far greater than the amount due in proportion to the services he performed; and
- (e) Plaintiff cannot establish by “clear and convincing” evidence both the existence and the terms of the alleged “Associate Counsel Agreement.”

2. Defendant hereby incorporates the following legal memoranda, filed concurrently herewith, in support of this motion:

- (a) Defendant's memorandum of law in support of its motion for summary judgment on statute of limitations;¹
- (b) Defendant's memorandum of law in support of its motion for summary judgment as to fees generated in the Harashe case;
- (c) Defendant's memorandum of law in support of its motion for summary judgment based on California ethics rules;
- (d) Defendant's memorandum of law in support of its motion for summary judgment as to fees in certain cases; and
- (e) Defendant's memorandum of law in support of its motion for summary judgment based on Plaintiff's inability to meet the requisite standard of proof.

3. Defendant hereby incorporates its statements of uncontroverted facts, filed concurrently herewith, in support of its motions for summary judgment outlined in paragraphs 1(a) – 1(e) above.

4. Defendant has included an "Index of Exhibits" which contains the exhibits referenced in the five (5) memoranda and accompanying statements of uncontroverted facts.

WHEREFORE, Defendant requests this Honorable Court GRANT its Motion for Summary Judgment on one or more of the grounds stated herein.

¹ For simplicity sake, Defendant has included an "Introduction" and "Summary Judgment Standard" section only in Defendant's memorandum of law in support of its motion for summary judgment on statute of limitations. These sections are relevant and applicable to each of the motions for summary judgment filed herewith and shall be referred to accordingly.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of May, 2010, the foregoing was filed via the court's electronic filing system and faxed to Attorneys for Plaintiff, John E. Toma, Jr., Melissa M. Zensen, #2 North Meramec Avenue, Clayton, MO 63105.

/s/ Thomas E. Schwartz